

CITY OF JOHNS CREEK

COUNCIL MEETING

May 5, 2014 @ 7:00pm

The Mayor and Council of the City of Johns Creek held a monthly meeting on Monday, May 5, 2014. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

COUNCIL PRESENT:

Post 1-Leonard Zaprowski
Post 2-Brad Raffensperger
Post 3-Cori Davenport-**absent**
Post 4-**Vacant**
Post 5- Kelly Stewart Mayor Pro Tem
Post 6-**Vacant**
Mayor Mike Bodker

STAFF PRESENT:

City Clerk Joan Jones
City Manager Warren Hutmacher
Finance Director Monte Vavra
City Attorney Bill Riley

PLEDGE OF ALLEGIANCE: Led by Eagle Scout Anish Shivkumar and Jared Rifkin of Troop 3143.

OPENING REMARKS: Mayor Bodker welcomed everyone to the meeting and reminded citizens early voting has begun and runs through May 16. He announced the dates and times for early voting and mentioned several locations where citizens may vote early, which include both Ocee and Spruill Oaks Libraries. The Mayor also thanked all who participated in the Johns Creek Relay for Life event, which raised well over \$100,000. He congratulated the community and the City Hall team who contributed over \$2,300 towards the goal to help prevent and find a cure for Cancer. Mayor Bodker announced several upcoming events, on May 10, at 11:00 am the City will be participating in the Special Needs Picnic at Newtown Park and the Johns Creek Veterans are hosting a Memorial Day Picnic on Sunday, May 18 at 11 am at the Veterans Memorial Plaza at Newtown Park. The Mayor invited the citizens to visit the City's website to get additional information on these and other upcoming events and City news.

MINUTES: Council Member Raffensperger motioned, seconded by Council Member Zaprowski to approve the April 21, 2014 Work Session Summary and Council Meeting Minutes as presented. There being no discussion, the motion passed unanimously.

MEETING AGENDA APPROVED: Council Member Stewart motioned, seconded by Council Member Raffensperger to amend the meeting agenda to add **NEW BUSINESS ITEMS:** 3) *ACTION ITEM-Bid Award (CMES) for \$392,889 for the Medlock Bridge Road Improvements from State Bridge Road to Medlock Crossing Parkway;* 4) *ACTION ITEM- Change Order Request for the Greenway Project along Medlock Bridge Road and* 5) *Consideration of ORDINANCE 2014-05-19 amending Chapter 6, Article IV of the Code of the City of Johns Creek relating to alcohol sales and consumption on public property;* and add an **EXECUTIVE SESSION** to discuss one (1) land and one (1) personnel matter. There being no discussion, the motion passed unanimously and the amended agenda was approved.

PUBLIC COMMENT: Ms. Cathy Eads expressed gratitude the Mayor and Council have appointed a Zoning Review Task Force but suggested there should be a member of the public appointed to that taskforce; Mr. Mark Endres addressed Council and commented the items added to tonight's amended Council Meeting Agenda should be tabled, as there are only four Council Members present; Mr. Endres also commented on the bulky recycling event posted on the City's website and said he was curious of the cost to the City, adding the City does not need to

have these events as there are many private companies offering this type of service, and the funds being utilized by the City could go towards repaving the roads.

CONSENT AGENDA: Council Member Stewart motioned, seconded by Council Member Zaprowski to approve the Consent Agenda which included an Action Item to Approve a Privileged Resolution for Eagle Scout Anish Shivkumar of Troop 3143. There being no discussion the motion passed unanimously and the Consent Agenda was approved.

ANNOUNCEMENTS: City Clerk Jones announced the following upcoming meetings:

- Tuesday, May 6@7:00pm Planning Commission Meeting
- Tuesday, May 13@9:00am CVB Meeting
- Monday, May 19, @5:00pm a Work Session followed by 7:00pm Council Meeting

REPORTS AND PRESENTATIONS: Council Member Raffensperger commented he and Council Member Zaprowski will create a subcommittee for the Zoning Review Task Force which will include citizen input. The Mayor thanked the Council Members for taking this approach. The Mayor announced he will not be at the May 19th Council Meeting due to work obligations.

Council Member Zaprowski presented the following Privileged Resolution recognizing Eagle Scout Anish Shivkumar of Troop 3143:

The City of Johns Creek recognizes Anish Shivkumar of Troop 3143 on earning all the required merit badges for the rank of Eagle Scout. Whereas, Eagle Scout Shivkumar has successfully completed his community service project by planning and constructing six gardening boxes for the students and teachers at Johns Creek Elementary School; and Whereas, the gardening boxes, standing 1.5 feet high and measuring 6 feet by 3 feet will provide an opportunity for the students to have a hands-on field experience in learning how plants grow, it will provide an opportunity for our teachers to further enhance their students learning experience; and Whereas, this project reflects the culmination of the skills and attributes Eagle Scout Shivkumar has gained through the Scouting program, it also demonstrates his leadership and perseverance in obtaining Scouting's highest achievement. Now therefore, the Mayor and Council of the City of Johns Creek hereby Congratulate Eagle Scout Anish Shivkumar and wish him well in all his future endeavors.

OLD BUSINESS: No Old Business.

NEW BUSINESS:

GDOT RIGHT OF WAY CONTRACT SR120-JONES BRIDGE ROAD TO PARSONS BRIDGE ROAD: Public Works Director Black presented and reviewed the agreement which will provide for using federal dollars to purchase the right-of-way to facilitate construction along SR120. The City expenses are 100% reimbursable. Council Member Stewart motioned, seconded by Council Member Raffensperger to approve a Right of Way Contract with the Georgia Department of Transportation for SR120 Operational Improvements – Jones Bridge Road to Parsons Bridge Road. There being no discussion, the motion passed unanimously. **(ACTION ITEM)**

FULTON COUNTY BOARD OF EDUCATION PERPETUAL EASEMENT: Communications Manager Grant Hickey reviewed the Amendment to the agreement for a perpetual Easement with Fulton County Board of Education. City Attorney Riley added the previous agreement did not include a statement of indemnification required by the County and which is standard on all agreement, and this does not impact the city's use of its own property. Council Member Raffensperger motioned, seconded by Council Member Zaprowski to approve the Amendment to Resolution 2014-04-16 regarding the Perpetual Easement. There being no discussion, the motion passed unanimously. **(RESOLUTION 2014-05-19)**

BID AWARD FOR MEDLOCK BRIDGE ROAD IMPROVEMENT PROJECT: Director Black reviewed the project, which includes traffic improvements on State Bridge Road to Medlock Bridge Road, and reiterated his comments made during tonight's Work Session regarding the consideration of the bid amount by GDOT. Noting if GDOT determines the bid is over the budgeted amount this item maybe required to come back to Council. Council Member Raffensperger motioned, seconded by Council Member Stewart to approve the Bid Award (CMES) for \$392,889 for the Medlock Bridge Road Improvements from State Bridge Road to Medlock Crossing Parkway. There being no discussion the motion passed unanimously. **(ACTION ITEM)**

CHANGE ORDER REQUEST-GREENWAY PROJECT ALONG MEDLOCK BRIDGE ROAD: Director Black presented and reviewed the items discussed on this subject during tonight's Work Session discussion. He explained the need for this change order, the cost involved, and mentioned some issues, such as a fiber optic cable and water valves which affected the project. He added this is one of the last connectivity for the greenway. Council Member Stewart motioned, seconded by Council Member Zaprowski to approve a Change Order Request for the Greenway Project along Medlock Bridge Road. There being no discussion the motion passed unanimously. **(ACTION ITEM)**

ORDINANCE AMENDING CHAPTER 6, ARTICLE IV OF THE CODE OF THE CITY OF JOHNS CREEK: City Manager Hutmacher presented and reviewed revised Ordinance to amend Chapter 6 to allow alcoholic beverages to be sold within the amphitheater. Council Member Raffensperger motioned seconded by Council Member Zaprowski to approve Ordinance 2014-05-19 amending Chapter 6, Article IV of the Code of the City of Johns Creek relating to alcohol sales and consumption on public property. During discussion, Council Member Raffensperger noted he was comfortable with the security measures which will be implemented to contain the sale of alcohol to the confines of the amphitheater; Council Member Zaprowski asked for clarification on the timeline, and if the item could be delayed to get public feedback. Mayor Bodker commented the item was discussed at the Work Session, and due the staff's comments on the lead time required to get the appropriate vendors, the item was placed on the Council Meeting agenda. City Manager Hutmacher provided an overview of staff's process in soliciting vendors for the summer, indicating the vendor pool and solicitation of vendors would be different for those who are permitted to sell alcohol as opposed to those who do not. Attorney Riley added the time is need for the vendors to obtain the necessary temporary permit/licenses required to sell alcohol. Council Member Stewart expressed her concerns about allowing alcohol in the park, including the overall impact of alcohol use, the impact on allowing it in family atmosphere and the security and liability issues its use raises. Mayor Bodker concurred with Council Member Raffensperger that he is comfortable with the control, safety, and security measures that will be implemented in the park to contain the use of alcohol within the amphitheater. It was also reiterated the use of the facility will be limited to City events and Council will review the policies after the summer season. There being no further discussion, Mayor Bodker called the question and the motion passed 3 in favor 1 opposed, with Mayor Bodker , Council Members Raffensperger and Zaprowski voting in support of the motion and Council Member Stewart voting in opposition. **(ORDINANCE 2014-05-19)**

OTHER BUSINESS: Mayor Bodker asked for an update on the installation of the traffic signal and Brumbelow and Nesbit Ferry. Public Work Director Black outlined the work which has been done and reported the light is expected to be functional when school begins. The Mayor also discussed an inquiry he received regarding the bike trail on Barnwell Road and Director Black reviewed the work being done in the area saying his staff is working on the final concept plan which will be include at the minimum a trail and possibly a dedicated bike lane.

The Mayor also reviewed a letter Council is considering sending to the Johns Creek US Representatives about the out of control federal spending. The Council is calling on the federal government to curb the spending. The Mayor added however, that he supports cutting spending, but as the citizens of Johns Creek contribute dollars to the federal coffers if there is money being distributed, he feels a sense of responsibility to vie for the City's fair share. This letter once reviewed and approved by council will be sent to the Johns Creek delegates.

Council Member Stewart commented on using the City's website as a way to inform citizens about private hazardous waste and bulk recycling programs. This item will be discussed at an upcoming Work Session.

PUBLIC COMMENT: Mr. Major Thompson commented and said he would like to see more subdivision paving. He mentioned the costs for the amphitheater is approaching about a million dollars and this money could have been used for repaving, and he hopes the Council will begin to prioritize the repaving of subdivisions; Mr. Mark Endres addressed Council and commented on the CDBG and stated although there is a lot of spending in the federal government, the City can do its part and it is an entitlement program. He commented on the use of the CDBG funds and said the city is setting up an entitlement class in the City which is not good for the City. Council Member Zaprowski asked to hear Mr. Endres comments on alcohol in the parks (*three-minute time expired, Council granted an additional minute for comments*). Mr. Endres commented the sale of alcohol does not really matter to him, and said people already are violating policies and ordinances restricting alcohol, but there have not been any issues, as there are laws in place to enforce public drunkenness. He added the city makes policy changes easily on its own behalf but gives businesses a difficult time with rezoning and other change of use requests.

MAYOR'S COMMENT: The Mayor thanked everyone for attending the meeting. He again apologized he will miss the May 19 Council Meeting and thanked Council for all their work. He explained the rationale for moving Work Session items onto a Council Meeting Agenda and noted this is not done frequently and without thought. The Mayor clarified statements about the consumption of alcohol in Newtown Park, saying, there is no knowledge this occurs and it is not condoned. He cited stats on alcohol related fatalities in the City, saying there were several cases before the City was incorporated and that number is now zero, which is due to the diligence of our Police Department. The Mayor again thanked Council for their considerate deliberations, staff for all their hard work and welcomed City Manager Warren Hutmacher.

EXECUTIVE SESSION: Council Member Stewart motioned, seconded by Council Member Zaprowski to hold an Executive Session to discuss one (1) land, and one (1) personnel matter. There being no discussion, an Executive Session was held.

Council Member Stewart motioned, seconded by Council Member Raffensperger to come out of Executive Session and resume the regular session.

ADJOURNMENT: There being no further business, Council Member Stewart motioned to adjourn the meeting, seconded by Council Member Zaprowski. The motion carried unanimously and the meeting was adjourned.

Approved by:

Attested:

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk